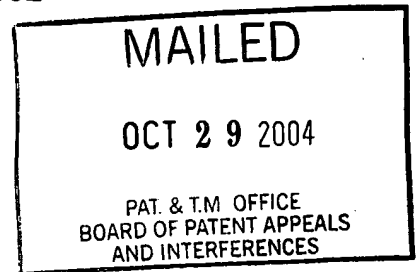


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte ALAN D. BERENBAUM, NEVIN HEINTZE,
TOR E. JEREMIASSEN, and STEFANOS KAXIRAS

Application No. 09/538,670

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 13, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellants filed an Information Disclosure Statement (Paper No. 3) on June 10, 2003. It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application No. 09/538,670

Accordingly, it is

ORDERED that this application be returned to the examiner for 1) consideration of the Information Disclosure Statement (Paper No. 3); 2) appropriate notification by the examiner to appellants of such consideration; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

Dale M. Shaw
Program and Resource Administrator
(703) 308-9797

cc: Kevin M. Mason
Ryan & Mason LLP
90 Forest Avenue
Locust Valley, NY 11560

DMS/tdl/mh
RA05-0017